



CERTIFICATE OF EXPRESS MAIL	
NUMBER	EV 323284388 US
DATE OF DEPOSIT	October 17, 2003

03945 U.S. PTO  
10/688152  
101703

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Atty. Dkt. No.: TUUT:010USC1**

**Prior Application Examiner:  
Smith, Ruth S.**

**MAIL STOP: PATENT APPLICATION**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Classification Designation:**

**Prior Group Art Unit: 3737**

**REQUEST FOR FILING CONTINUATION APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a continuation application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/421,965 filed October 20, 1999, entitled "METHOD AND APPARATUS FOR PROBABILISTICALLY CLASSIFYING TISSUE IN VITRO AND IN VIVO USING FLUORESCENCE SPECTROSCOPY."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/421,965 as originally filed, including abstract, specification, claims, informal drawings, and declaration.
- The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/421,965.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number \_\_\_\_\_, filed \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:  
☐ is enclosed.  
☐ has been filed in the prior Application Serial No. \_\_\_\_\_

☐ 2. The Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53, and supply Applicant with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

☒ 3. Enclosed is a check in the amount of \$483.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$375.00
Total Claims	32 - 20 =	12 X	\$9.00 =	\$108.00
Independent Claims	2 - 3 =	0 X	\$42.00 =	\$ .00
Multiple Dependent Claim(s) -----				\$-0-.00
<b>TOTAL FILING FEES:</b>				<b>\$483.00</b>
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE

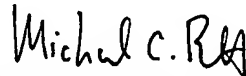
- ☒ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski L.L.P. Account No.: 50-1212/TUUT:010USC1/MCB.
- ☒ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:

Michael C. Barrett, Esq.  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
Telephone: 512/536-3018

- ☒ 8. The prior application is presently assigned to Board of Regents, The University of Texas System. A courtesy copy of the Corrected Notice of Recordation of Assignment Document dated January 19, 2001, is enclosed herewith for the Examiner's convenience.
- ☒ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☐ 10. Cancel in this application claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☐ 11. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. \_\_\_\_\_ filed \_\_\_\_\_ --.
- ☒ 12. Enclosed are formal drawings.
- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☐ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. \_\_\_\_\_ filed \_\_\_\_\_, for use in this application. **Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. \_\_\_\_\_ filed \_\_\_\_\_. Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.**

- ☒ 15. Other: Request for 5-Month Extension of Time; Check (\$985.00).
- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Michael C. Barrett  
Reg. No. 44,523  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
Telephone: 512/536-3018

Date: October 17, 2003

CERTIFICATE OF EXPRESS MAIL

NUMBER: EV 323284388 US  
DATE OF DEPOSIT: October 17, 2003

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rebecca Richards-Kortum  
Nirmala Ramanujam  
Anita Mahadevan-Jansen  
Michele Follen Mitchell  
Urs Utzinger

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: TUUT:010USC1

Serial No.: Unknown

Filed: Concurrently Herewith

For: METHOD AND APPARATUS FOR  
PROBABILISTICALLY CLASSIFYING  
TISSUE IN VITRO AND IN VIVO USING  
FLUORESCENCE SPECTROSCOPY

**REQUEST FOR EXTENSION OF TIME**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of five months to and including October 17, 2003, in which to file the continuation application filed concurrently herewith.

Pursuant to 37 C.F.R. § 1.17, a check in the amount of \$985.00 is enclosed, which is the small entity process fee (\$985.00) for a 5-month extension of time.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R.

§§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an

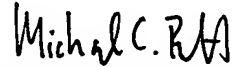
10/23/2003 EXHAILE1 00000033 501212 10600152

01 FC:2255 20.00 DA 985.00 DP

25348266.1

overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/TUUT:010USC1/MCB.

Respectfully submitted,



Michael C. Barrett  
Reg. No. 44,523  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
Telephone: 512/536-3018

Date: October 17, 2003